IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE TWENTY FOURTH DAY OF JANUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE N.V. RAMANA

WRIT PETITION NO : 24418 of 2004

Between:

1 Pedepena Yedukondulu, S/o.Veeraswamy,
R/o.Epuru Boruvullapalem, Village,Muthukuru Mandal,
Nellore District.
2 Pedepena Nagaraju, S/o.Veeraswamy,
R/o.Epuru Boruvullapalem, Village,Muthukuru Mandal,
Nellore District.

..... PETITIONERS

AND

1 The District Collector, Nellore, Nellore Dist.
2 The Revenue Divisional officer, Nellore Nellore Dist.
3 The Mandal Revenue officer, Muthukuru Mandal, Nellore District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ of Mandamus or any other appropriate writ or direction declaring the action of the respondents in interfering with the aqua culture operation with fresh water of the petitioners in S.Nos.939 B and 949, 939 A&B of Epuru Boruvulapalem village, Muthukuru Mandal and seeking to remove the aqua ponds as illegal arbitrary and without power consequently direct the respondents not to interfere with the aqua culture operations with fresh water of the petitioners in S.Nos.939 and 940, 939 A&B of Epuru Boruvulapalem village, Muthukur Mandal, Nellore District, and pass such other or further order or orders.

Counsel for the Petitioner: MR.P.GANGA RAMI REDDY

Counsel for the Respondents: GP FOR REVENUE

The Court at the admission stage made the following:

ORDER:

The present writ petition is filed questioning the action of the respondents in interfering with the aqua culture operations with fresh water of the petitioners in S.Nos.939B and 940, 939 A&B of Epuru Doruvulapalem village, Muthukuru Mandal of Nellore District.

It is stated in the affidavit filed in support of the writ petition that after obtaining permission from Aquaculture Authority vide proceedings No.55-23/2002 Tech dated 07.11.2003, the petitioners converted theirs lands into aqua ponds and carrying on shrimp farming and also paying necessary taxes to the revenue authorities. The grievance of the petitioners is that contrary to the permission issued by the Aquaculture Authority and without issuing any notice, the respondents are trying to interfere with their aquaculture operations. Hence the present writ petition.

The matter came up for consideration before this Court twice and in spite of granting sufficient opportunity, learned Government Pleader for Revenue could not obtain instructions in the matter. The petitioners contend that they are conducting aquaculture farming as per the permission from the competent authority, if the respondent authority finds that such an activity is detrimental to the public interest and they intends to stop the same, they can do so, only after issuing a proper notice and passing appropriate orders after considering the explanation of the petitioner.

In that view of the matter, instead of keeping the writ petition pending, I deem it appropriate to dispose of the same with a direction to the respondents to follow due process of law, if they intends to stop the aquaculture farming of the petitioner. Till such time, status quo obtaining as on today shall be maintained.

Dated: 24.01.2005

Dsr/tvk

ASSISTANT REGISTRAR

To:

1 The District Collector, Nellore, Nellore Dist.
2 The Revenue Divisional officer, Nellore Nellore Dist.
3 The Mandal Revenue officer, Muthukuru Mandal, Nellore District.

4 Two CCs to the Government Pleader for Revenue,

High Court Buildings, Hyderabad(OUT)

5 Two CD copies

*Form-NIC-OGS/WP{**JA**}*